

Memorandum of Understanding  
Between the Department of Agriculture  
and the Department of the Interior  
Providing for Coordination of Activities  
Pursuant to the Federal Coal Management Program

I. GENERAL

A. Purpose

1. This Memorandum of Understanding (MOU) authorizes the Secretary of Agriculture to assess whether lands within the National Forest System boundaries are unsuitable for surface coal mining operations as part of the Federal lands review under Section 522 of the Surface Mining Control and Reclamation Act (SMCRA) of 1977 (P.L. 95-87, 30 U.S.C. 1272). This delegation is made in order to facilitate the use of surface management agency land use planning as the integrated method for resource inventory and evaluation; to avoid duplication of agency efforts and increase efficiency and to assure the systematic application of the unsuitability criteria, and exceptions (43 U.S.C. 3461.1), in agency planning that involves a Federal lands review.

2. This MOU establishes principles and procedures for cooperation between the Department of Agriculture's Forest Service (FS) and the Department of the Interior's (DOI's) Bureau of Land Management (BLM) in the application of unsuitability criteria and private surface owner consultation (43 CFR 3420.2-3) for surface coal mining under the general provisions of the Surface Mining Control and Reclamation Act of 1977. It references common criteria for use by each agency to satisfy statutory

requirements regarding identification and assessment of areas unsuitable for surface coal mining (as set forth in Section 522 of the SMCRA and 43 CFR Part 3400). This MOU sets forth arrangements by which the two agencies will carry out respective and joint application of unsuitability criteria on Federal lands under the management of each agency. Its intent is to assure that both Federal agencies conduct the Federal lands review in a coordinated fashion and use approved criteria which are comparable and, at the same time, responsive to the statutory responsibilities which govern each. Additionally, it will ensure systematic application of criteria in the respective agency land management planning processes.

3. This MOU establishes a system for coordination between the BLM and FS on the Federal coal management program.

#### B. Definitions

1. Federal Lands means any land, including mineral interest, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands, but does not include privately owned mineral rights.

2. Comprehensive Land Use Planning or Land Management Planning means those land use planning and decision-making processes conducted by the BLM pursuant to the Federal Land Policy and Management Act (FLPMA) and the Federal Coal Leasing Amendments Act (FCLAA), and by the FS pursuant to the National Forest Management Act.

3. National Forest System includes all National forest lands reserved or withdrawn from the public domain of the United States, all National forest lands acquired through purchase, exchange, donation, or other means; the national grasslands, land utilization projects administered under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); and other lands, waters, or interests therein which are administered by the FS or are designated for administration through the FS as a part of the System.

4. Public Lands means any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through the BLM, without regard to how the United States acquired ownership, except--

- a) Lands located on the Outer Continental Shelf
- b) Lands held for the benefit of Indians, Aleuts, and Eskimos

5. Surface Coal Mining Operations means activities conducted on the surface of lands in connection with a surface coal mine and surface impacts incident to an underground coal mine.

C. Extent

The provisions of this MOU shall apply only to the extent determined by available workforce and financial resources.

## II. AUTHORITIES

A. Secretary of Agriculture

The Multiple-Use Sustained Yield Act (P.L. 86-517), the National Forest Management Act (P.L. 94-588), the Surface Mining Control and Reclamation Act (P.L. 95-87).

B. Secretary of the Interior

The Federal Land Policy and Management Act (P.L. 94-579), the Surface Mining Control and Reclamation Act (P.L. 95-87), and the Federal Coal Leasing Amendments Act (P.L. 94-377).

## III. OPERATIONS

A. The Secretaries agree to use the following procedures in carrying out the Federal lands review under Section 522 of the SMCRA and the surface owner consultation under Section 714 of the SMCRA.

## 1. Application of Criteria

The Secretary of the Interior and the Secretary of Agriculture will review Federal lands under their respective jurisdictions to determine which are unsuitable for all or certain types of surface coal mining operations. Such reviews shall be conducted and such assessments shall be made by the FS and the BLM using criteria which have been promulgated as regulations by the Secretary of the Interior as part of the Federal coal management program (43 CFR Part 3400). The Secretary of the Interior will provide for variations in those criteria as they will be applied by the FS, based on statutory or land use planning requirements. Any

necessary variations in the criteria will be submitted through the Director of BLM to the Secretary of the Interior for adoption by rulemaking.

## 2. Land Management Planning and Surface Owner Consultation

The Secretaries agree to conduct requisite reviews and consultations in the course of their respective planning processes. In the conduct of these reviews and consultations the Secretaries agree to apply these criteria systematically to identify lands unsuitable for all or certain types of surface coal mining operations. This agreement implies no role or responsibility for the FS in the surface owner consent procedures established under subpart 3427 of Federal Coal Management Regulations (43 CFR 3400).

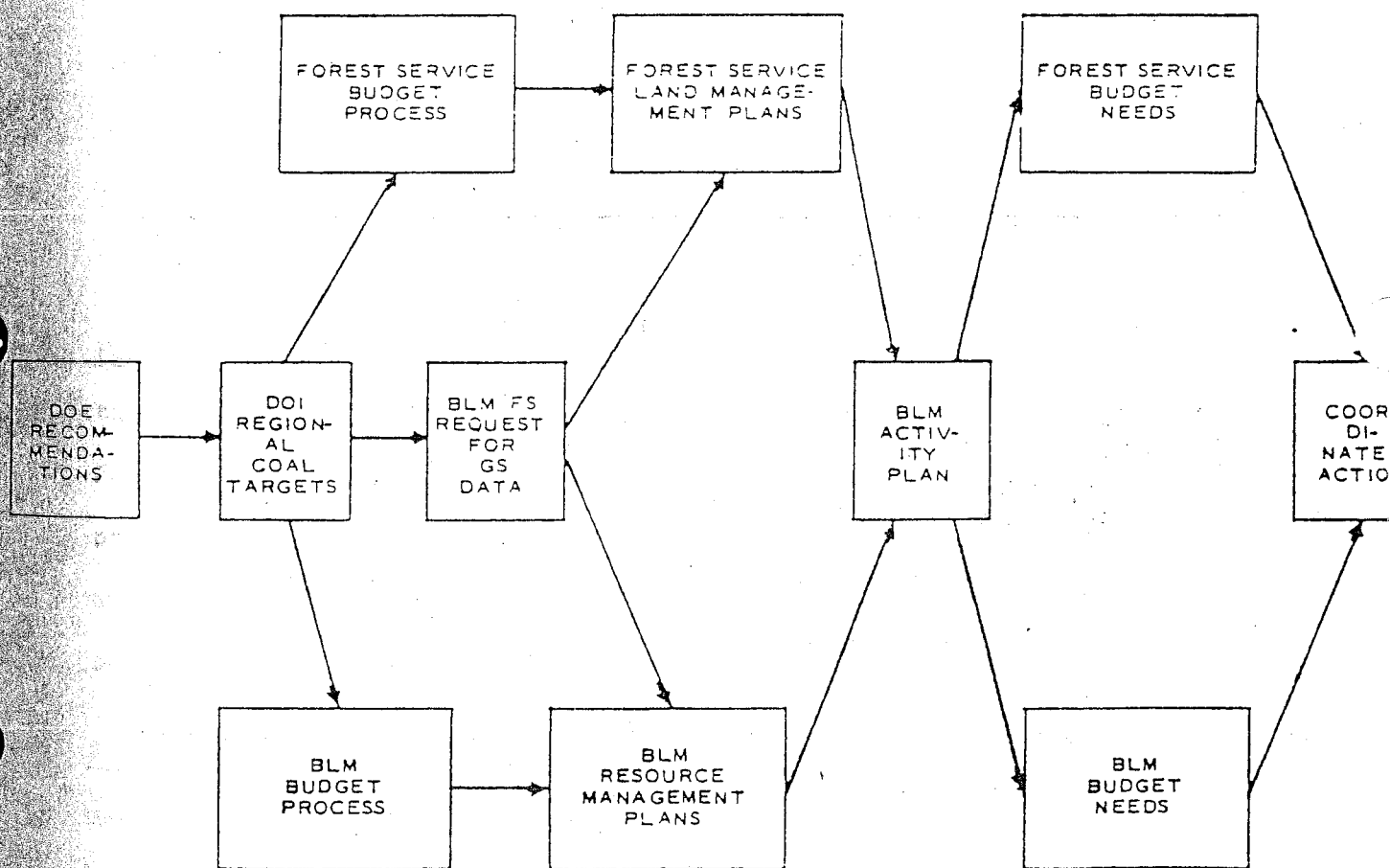
B. The Secretary of the Interior shall apply the unsuitability criteria and exceptions (43 CFR 3461.1), and conduct surface owner consultation on all public lands. The Secretary of Agriculture shall apply the unsuitability criteria and exceptions (43 CFR 3461.1), and conduct surface owner consultation on all Federal lands and private surface inholdings within the National Forest System boundaries. In those instances where a potential exists for surface coal mining on a lease which would incorporate lands under both these jurisdictions, the Secretaries agree that the BLM and FS shall mutually determine the manner in which the criteria will be employed.

As a result of the Federal lands review and private surface owner consultation, as well as other planning considerations, the FS shall recommend to the BLM areas acceptable for further consideration for coal leasing.

## C. Program and Budget Coordination

1. The BLM and the FS will implement the following system to provide needed coordination between the two agencies in program development and budgeting, establishing schedules for land use plans, the determination of areas suitable for leasing, and environmental analyses and other preparations necessary for carrying out the Federal coal management program.

COORDINATION FLOW CHART



See definitions of terms for this chart beginning on the following page.

Definitions of terms indicated on the above flow chart are as follows:

DOE Recommendations - means the Department of Energy's regional production goals which establish desired levels of production of various types of coal.

DOI Regional Coal Targets - means a process by which the Department of the Interior merges the DOE regional production goals with advice from State and local governments, the coal industry, and other interests to determine leasing targets.

BLM/FS Request for GS Data - means the Bureau of Land Management and the Forest Service may request the Geological Survey to provide coal development potential and occurrence data for use in development of comprehensive land use plans.

Forest Service Budget and BLM Budget Process - means the procedure by which the Forest Service obtains coal program funding within the framework of the Forest and Rangeland Renewable Resources Planning Act of 1974; and the procedure by which the Bureau of Land Management projects coal program needs and obtains funding. These procedures will be coordinated between the BLM and the FS.

Forest Service Land Management Plans and BLM Resource Management Plans - means plans in which high and moderate potential coal lands are identified, the unsuitability criteria adopted by the Secretary of the Interior are applied, and multiple resource use tradeoffs are made. Surface owners are consulted during development of these plans to identify their preferences for or against leasing in every area containing leaseable coal. For Federal mineral interests in private lands, it is understood that the preparation of comprehensive plans required by FCLAA is the responsibility of the

Department of the Interior. These plans are prepared prior to activity planning by the BLM and results in the identification of areas suitable for further consideration for coal leasing.

BLM Activity Plan - means the process for identifying, ranking, selecting, and scheduling coal lease tracts after land use planning has been completed. The FS will be asked to participate in the process where National Forest System lands are involved.

Forest Service Budget Needs and BLM Budget Needs - means funding requirements to implement decisions made as a result of BLM activity planning.

Coordinated Action - means all Federal Coal Program actions involving both the Forest Service and the BLM will be fully coordinated.

Information supplied to the BLM by the FS will include:

- a. Priorities
- b. Workforce needs (initially)
- c. Coordination between the BLM and the FS on land use plans
- d. Areas acceptable for further consideration according to the coal regulations


Information supplied by the BLM to the FS will include:

- a. Identification of production region
- b. Coordination between the BLM and the FS on land use plans
- c. Priorities
- d. Workforce needs (initially)
- e. Budget information
- f. Task list (initially)

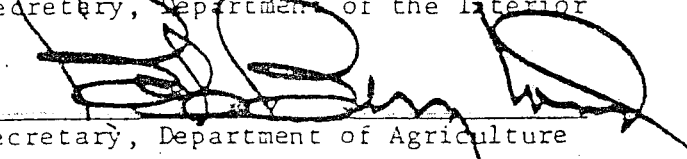


2. A Coal Program Coordination Committee co-chaired by the Assistant to the Director for Coal Management, BLM, and the Deputy Chief, National Forest System, is hereby established to provide the necessary direction to ensure that the system is satisfactorily implemented.

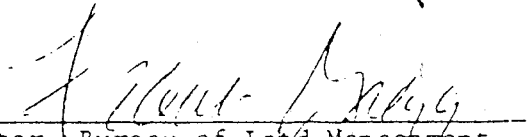
APPROVED:

  
Secretary, Department of the Interior

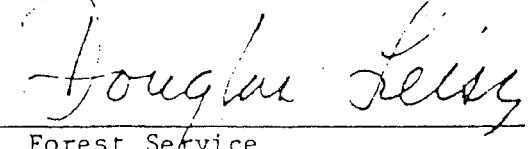
5-20-80  
Date

  
Secretary, Department of Agriculture

MAR 28 1980  
Date

  
Director, Bureau of Land Management

1/18/80  
Date

  
for Chief, Forest Service

3/3/80  
Date